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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,526

10/16/2003

Shigeru Kurosawa

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EXAMINER

ROSARIO, DENNIS

ART UNIT

PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,526

Applicant(s)

KUROSAWA, SHIGERU

Examiner

Dennis Rosario

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/8/04 9/8/05 11/4/06 7/14/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 20 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claim 20, while defining a program, does not define a "computer-readable medium" and is thus non-statutory for that reasons. A program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,9,11,13,18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Horii et al. (US Patent Application Publication No.: 2002/0058536 A1).

Regarding claim 1, Horii et al. or Horii discloses a portable communication apparatus comprising:

- a) an image-capturing section (fig. 1C,num. 116) for capturing an image depending on an operation of a shutter key (fig. 1D,num, 113); and a
- b) character recognition section (fig. 1F,num. 157) for recognizing characters from an captured image.

Regarding claim 9, Horii discloses the portable communication apparatus according to claim 1, further comprising:

- a) a program memory (fig. 1F,num. 151) storing a plurality of programs including a mailer program (fig. 7A,num. 514) and a browser program (fig. 7A,num. 508); and

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b) a processor (fig. 1F,num. 150) for executing at least one program thereon, wherein:

b1) when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents an e-mail address, the processor starts the mailer program,

b2) when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents a URL (uniform resource locator), the processor starts the browser program, and

b3) when (via the prompts of fig. 7A, numerals. 506-522) a string of the recognized characters represents a phone number, the processor starts making a call at the phone number.

Regarding claim 11, Horii discloses the portable communication apparatus according to claim 9, further comprising:

a) a memory (fig. 1F,num. 151) storing a plurality of types of recognition criterion each corresponding to different types of a string of characters (shown in fig. 8C and fig. 9C) to be recognized,

b) wherein the character recognition section uses one of the types of recognition criterion to recognize characters from the captured image.

Regarding claim 13, Horii discloses a method for recognizing characters in a portable communication apparatus having an image-capturing device and a display, the method comprising:

- a) setting a character-size adjustment indicator (fig. 8A,num. 550) on the display, wherein the character-size adjustment indicator comprises a reference frame having a size which provides a sufficiently high success rate in character recognition (as indicated in fig. 8C,num. 555);
- b) capturing an image (as indicated in fig. 8A: CAPTURE) depending on an operation of a shutter key when at least one character displayed on the display fits into the reference frame;
- c) recognizing the at least one character within the reference frame from a captured image (as shown in fig. 8C,num. 555); and
- d) displaying (as done in fig. 8C) recognized characters in a predetermined display area on the display.

Regarding claim 18, Horii discloses the method according to claim 13, wherein the step c) comprises:

- c.1) storing a plurality of types of recognition criterion (fig. 7A, numerals 506-522) each corresponding to different types of a string of characters to be recognized;
- c.2) determining a type of a string of characters to be recognized (via the prompts of fig. 7A, numerals 506-522); and
- c. 3) recognizing the at least one character within the reference frame based on a recognition criterion corresponding to the type of the string of characters to be recognized (as done in fig. 8A and 8B).

Claim 19 is rejected the same as claim 9. Thus, argument similar to that presented above for claim 9 is equally applicable to claim 19.

5. Claims 1-5,10-16,18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ouchi et al. (US Patent 6,629,107 B1).

Regarding claim 1, Ouchi et al. or Ouchi discloses a portable communication apparatus comprising:

- a) an image-capturing section (fig. 1,num. 1) for capturing an image depending on an operation of a shutter key; and a
- b) character recognition section (fig. 1,num. 3) for recognizing characters from an captured image.

Claim 12 is rejected the same as claim 1. Thus, argument similar to that presented above for claim 1 is equally applicable to claim 12 except for the additional limitation of to enter the characters as input data as disclosed in Ouchi in fig. 1 upon the output of num. 3 that is entered in fig. 1,num. 4.

Claim 13 is rejected the same as claim 12. Thus, argument similar to that presented above for claim 12 is equally applicable to claim 13 except for the additional limitation of:

- a) setting a character-size adjustment indicator (fig. 4,num. 41) on the display (fig. 2,num. 31), wherein the character-size adjustment indicator comprises:
 - a1) a reference frame having a size (as shown in fig. 4,num. 41) which provides a sufficiently high success rate in character recognition; and
 - b) displaying recognized characters (as done in fig. 12,num. S24) in a predetermined display area on the display.

Claim 20 is rejected the same as claim 13. Thus, argument similar to that presented above for claim 13 is equally applicable to claim 20 except for the additional limitation of a program as is disclosed in Ouchi in fig. 3.

Claim 2 is rejected the same as claim 13. Thus, argument similar to that presented above for claim 13 is equally applicable to claim 2.

Regarding claim 3, Ouchi discloses the portable communication apparatus according to claim 2, wherein the character-size adjustment indicator appears on the display when portable communication apparatus is set to:

- a) a character recognition mode ("figure input mode" in col. 6, line 48).

Regarding claim 4, Ouchi et al. discloses the portable communication apparatus according to claim 2, wherein the character-size adjustment indicator is:

- a) previously fixed (as shown in fig. 2, num. 29) on the display when portable communication apparatus is set to a character recognition mode.

Claim 5 is rejected the same as claim 13, paragraph a), a1). Thus, argument similar to that presented above for claim 13 a), a1) is equally applicable to claim 5.

Regarding claim 10, Ouchi discloses the portable communication apparatus according to claim 1, further comprising:

- a) a memory (fig. 3, num. S6) storing a plurality of types of recognition criterion (fig. 3, numerals S2-S5) each corresponding to different types of a string of characters to be recognized,

- b) wherein the character recognition section (fig. 3, num. S8) uses one of the types of recognition criterion to recognize characters from the captured image.

Regarding claim 14 Ouchi discloses the method according to claim 13, wherein the step c) comprises:

- c.1) image-processing the captured image (or inputting a "figure" in col. 6, line 34 in "the image" in col. 6, line 40 wherein said the image corresponds to "Input of Image" section in col. 5, line 54 to col. 6, line 12) to produce a processed image;
- c.2) clipping out a portion of the processed image (as shown by the outer areas of fig. 4, num. 41) within the reference frame; and
- c.3) recognizing the at least one character from the portion of the processed image.

Claim 15 is rejected the same as claim 14. Thus, argument similar to that presented above for claim 14 is equally applicable to claim 15.

Regarding claim 16, Ouchi discloses the method according to claim 13, further comprising:

- e) repeating the steps b)-d) by sequentially selecting portions of a string of characters displayed on the display, each portion including at least one character which fits into the reference frame, wherein the recognized characters are displayed on the display by combining the portions in series, each of which includes at least one recognized character (this limitation is interpreted as a recognition result or words or names or numbers or an address as shown in fig. 9).

Claim 18 is rejected the same as claim 10. Thus, argument similar to that presented above for claim 10 is equally applicable to claim 18.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi et al. (US Patent 6,629,107 B1) in view of Kubo et al. (US Patent 6,639,626 B1).

Regarding claim 6, Ouchi does not disclose claim 6, but teaches "a user...pushes the shutter button...Just then, an indication of input of an image is sent to the digital camera, and the image of the user is taken by the digital camera." in col. 5, line 66 to col. 6, line 4.

In light of Ouchi's teaching, Ouchi suggest or implies a delay since said "indication of input" is sent to the digital camera so that the camera can take an image. However, Ouchi is not clear about what the "indication of input" is and where inside or outside the digital camera "the indication of input" is connected to. Thus, Ouchi suggests to one of ordinary skill in the art of camera to learn about the internal/external characteristics of a camera in order to learn what the "indication of input" is with respect to the shutter button.

Kubo et al. or Kubo teaches the internal characteristics of a camera as shown in fig. 13 that shows said indication of input as shown by the output arrow of fig. 13,num. 74 that is connected to fig. 13,num. 70 as suggested by Ouchi and the remaining limitations of claim 6 of:

a) a timer (fig. 13,num. 75) for delaying an image-capturing operation of the image-capturing section by a predetermined time period (also known as "high-speed shutter" in col. 10, line 6) after the operation of the shutter key has been completed.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Ouchi's teaching of said indication of input with Kubo's teaching of fig. 13,numerals 70, 74 and 75 because Kubo teaching is able to "avoid...problems" in col. 10, line 4 associated with a "quickly moving object" in col. 10, lines 2,3.

Regarding claim 7, Kubo of the combination teaches the portable communication apparatus according to claim 6, wherein the predetermined time period (or "shutter speed" in col. 12, line 28) is set through an input device (fig. 8,num. 64) of the portable communication apparatus.

Claims 8 and 17 are rejected the same as claim 6. Thus, argument similar to that presented above for claim 6 is equally applicable to claims 8 and 17.

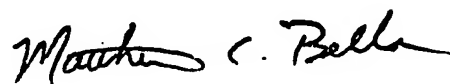
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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